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science weakens power, and the advocate who must praise a witness can only do so with half a heart, when he knows that he is in league with him in a criminal scheme. Power and guilt are seldom allies."

It would be impossible, however, to designate all the points of excellence in this work; and one may as well stop at one place as another. Suffice it to say, that it is indispensable to any one who wishes to gain a clear understanding of the practical, as distinguished from the theoretical side of practice, without which understanding success as an advocate is impossible. It can be gained by experience; but experience is a hard teacher, and it is far better to learn by the experience of others. That is furnished in this book, and not merely in general rules, but in many specific instances in the notes, which contain most interesting examples of the successful practical handling of a case.

R. D. S.

THE STUDY OF CASES. By EUGENE WAMBAUGH, LL. D.,
Professor of Law in Harvard University. Second Edition.
Boston: Little, Brown & Co. 1894.

CASES FOR ANALYSIS. By the same Author. Boston:
Little, Brown & Co.

These little volumes in the "Students' Series," deserve to be numbered among the most valuable publications for the use of students which have appeared in recent years. Professor Wambaugh (to use his own language) aims "to teach students the methods by which lawyers detect *dicta*, and determine the pertinence and weight of reported cases." In each of the two works, the subject matter is divided into two parts or books. In the one, a "General View," is followed by a collection of some seventeen selected cases for study and analysis, and in the other, a "A Selection of Cases on Contracts," is succeeded by "A Selection of Cases on Torts."

In his General View, Professor Wambaugh first disposed of some preliminary topics, and then considers the best method of finding the doctrine of a given case. Four elements are recognized as entering into the solution of this problem. The

first is the court's duty to decide the very case before it. The second is the court's duty to follow a general rule. The third is the opinion of the judges (in connection with which the author discusses *dicta* and their weight); while the fourth element depends upon the principle, "that a case is not a precedent for any proposition that was neither consciously nor unconsciously in the mind of the court."

The work abounds in fertile suggestions, and there seems to be no portion which the student cannot study with advantage. In Chapter IV, he will learn "How to Write a Head Line." In Chapter V, he will receive many valuable suggestions on "How to Criticise Cases." Chapter X, on "Reports," is also to be commended, and on pages 130 and 131 (in Chapter XI, on "Digests"), will be found some acute observations upon the requisites of a satisfactory digest classification.

In the second work—the Cases for Analysis—the student will find ample material for practice, in reading and stating reported cases composing head notes and briefs, criticising and comparing authorities, and compiling digests. The selected cases are, for the most part, familiar to the practicing lawyer. *Adams v. Lindsell*, *Byrne v. VanTienhoven*, *Carlill v. Carbolic Smoke Ball Co.*, *Cooke v. Oxley*, *Rylands v. Fletcher*, *Trevor v. Wood*, and *Winn v. Bull*, are among those which catch the eye upon a casual examination.

At a time like the present, when the method of teaching law by the study of cases, instead of by treatise and text book, is slowly, but surely, winning recognition for itself on every hand, the appearance of volumes such as these, is an event of no small importance in the world of legal education. The fact that a second edition of "The Study of Cases," has already been called for, seems to indicate that Professor Wambaugh is meeting with the encouragement which he deserves.

G. W. PEPPER.